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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/073,825 05/07/98 TSUJIMOTO

S 0004634P

EXAMINER

PETERSON, K

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

09/21/99

QM12/0921
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/073,825

Applicant(s)

Tsujiimoto

Examiner

Ken Peterson

Group Art Unit

3724



☒ Responsive to communication(s) filed on 19 Jul 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 8-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 8-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Claims 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 13 of claim 8 and line 9 of 13, it is stated that the pitch of the teeth is "variable". Since the pitch of the teeth is not changeable, it should not be referred to as "variable", but instead it can be said that the teeth have pitches that are different from one another.

Lines 14-16 of claim 8 and lines 11-13 of claim 13 recite the length of the bending line, but it is not at all clear what this is. Since each "tooth is bent along a bending line", the most obvious interpretation of "length of the bending line" is the length of the tooth at the bending line. However, as seen in figure 1B, these are not all equal as set forth in the claims. If Applicant is referring to some other length, then new wording must be found. Since this cannot be understood, no weight can given to it.

On line 2 of claim 13, the phrase "having pitches which vary with set" is neither definite nor understood.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ronan, who shows a saw blade with all the recited limitations including variably pitched teeth all bent

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about the same line (dotted line of figure 1). The teeth are of a similar shape and similar set as seen in figures 1-6.

4. Claims 8-10,12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al., who shows in figures 2a-2c a saw blade with all the recited limitations including similarly shaped teeth all bent about the same line. Yoshida states that having differing pitches is conventional (lines 20-22, column 1) and subject to change (lines 5,6, column 12). The first two teeth (3r, 3l) are of a first similar set and the third and fourth teeth (5,7) are of a second similar set different from the first set.

5. Made of record but not relied on are patents to Nakahara et al. and Stoddard showing pertinent tooth arrangements.

6. The following are comments from the Examiner in response to Applicant's remarks;

Applicant argues that Ronan does not have "variable" pitches. However, it is clear from Ronan's figure 1 and from lines 2-5 of column 3 that the pitch is different for different teeth and thus is "variable". Applicant states that Ronan's pitches and bending lines are not the same as shown in Applicant's drawings, nor does Ronan perform the same method. However, Applicant has not set forth any of these purported differences in the claims.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is (703)308-2186 from 7:15am to 4:15pm on Monday thru Thursday.

If attempts to reach the Examiner are unsuccessful, his supervisor, Rinaldi Rada, can be reached at (703)308-2187 from 7am-5pm on Monday thru Thursday.


Documents related to this Application may be submitted at anytime by fax transmission to (703)305-3579/3580.

Those willing to risk an internet security breach may e-mail the Examiner at kenneth.peterson@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

kp

September 16, 1999



KENNETH E. PETERSON
PRIMARY EXAMINER